



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/1/21

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

September 30, 2021

BY ECF

Hon. Barbara Moses
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Tzumi Innovations, LLC v. Regan, et al.*, No. 21 Civ. 122 (LGS)¹

Dear Judge Moses:

With Plaintiff's consent, I write respectfully, on behalf of Defendants, to request an adjournment of the October 19, 2021 settlement conference in the above-captioned matter, with a corresponding extension of time for pre-conference submissions. The reason for the request is that EPA received information earlier this week that it had requested from Tzumi in advance of the settlement conference and needs time to review this information, determine if all of the requested information has been provided (and if not, further confer with Tzumi), and then evaluate its settlement position and prepare its pre-conference submission in light of this information.

The parties are available for a rescheduled settlement conference on any day from November 15, through November 19, with preconference submissions due one week before the conference.

This is Defendants' first request for an adjournment of the settlement conference and pre-conference submissions.

¹ Michael S. Regan, who became the Administrator of the Environmental Protection Agency on March 11, 2021, is automatically substituted for former Administrator Andrew R. Wheeler as the defendant in this action. *See Fed. R. Civ. P. 25(d).*

September 30, 2021

Page 2

Respectfully submitted,

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: /s/ Allison M. Rovner
ALLISON M. ROVNER
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2691
Email: Allison.Rovner@usdoj.gov

cc: Counsel of Record (by ECF)

Application GRANTED. The telephonic settlement conference currently scheduled for October 19, 2021, is hereby ADJOURNED to **November 17, 2021, at 2:15 p.m.** The parties' confidential settlement letters and acknowledgment forms are due **November 10, 2021**. All other provisions in the Court's Order Scheduling Settlement Conference dated August 18, 2021 (Dkt. No. 59) remain in effect. SO ORDERED.



Barbara Moses
United States Magistrate Judge
October 1, 2021